

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CANYON PARK BUSINESS CENTER
OWNERS' ASSOCIATION,

Plaintiff,

v.

PETE BUTTIGIEG, et al.,

Defendant.

C21-1694 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion for judicial notice and to include extra-record evidence is GRANTED in part and DEFERRED in part as follows:

- a. The Court takes limited judicial notice of the existence of the City of Bothell's Final Environmental Impact Statement ("FEIS") and the Federal Highway Administration's Traffic Analysis Toolbox (the "Toolbox"). Docket no. 51 at 5; docket no. 52 at 3. The Court takes judicial notice of these items' existence and will consider them in ruling on the pending motions for summary judgment, but it does not accept their assertions as true.
- b. The Court DEFERS Plaintiff's motion to include Mike Swensen's declaration and attached memoranda. The Court will review that motion in connection with the motion and cross-motion for summary judgment. The Court RENOTES Plaintiff's motion as to Swenson's declaration and attached memoranda for May 19, 2023.

Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk